



EXPRESS MAIL NO. EV449563793US

**TRANSMITTAL
FORM***(To be used for all correspondence
after initial filing)*

Application Number	09/912,266
Filing Date	July 24, 2001
First Named Inventor	James E. Fleming
Art Unit	1641
Examiner Name	Gailene R. Gabel
Attorney Docket No.	390054.402

ENCLOSURES (check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input checked="" type="checkbox"/> Amendment/Response
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
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<input type="checkbox"/> Information Disclosure Statement; Form PTO-1449
<input type="checkbox"/> Cited References
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<input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53
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<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
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<input type="checkbox"/> Declaration
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<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC (<i>Appeal Notice, Brief, Reply Brief</i>)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
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<input type="checkbox"/> Additional Enclosure(s) (<i>please identify below</i>):

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Remarks**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Individual Name	William T. Christiansen, Ph.D.	Customer Number 00500
Signature		
Date	October 27, 2004	

CERTIFICATE OF TRANSMISSION/MAILING

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EXPRESS MAIL NO. EV449563793US

1641
JW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : James E. Fleming et al.
Application No. : 09/912,266
Filed : July 24, 2001
For : METHOD AND APPARATUS FOR VIABLE AND NONVIABLE
PROKARYOTIC AND EUKARYOTIC CELL QUANTITATION

Examiner : Gailene R. Gabel
Art Unit : 1641
Docket No. : 390054.402
Date : October 27, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. § 1.112

Commissioner for Patents:

In response to the Office Action dated August 5, 2004, please amend the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.